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In re Application of: Moreh, et al.

Application No.: 09/827,697

Filed: April 07, 2001

For: FEDERATED AUTHENTICATION
SERVICE

)
) **DECISION ON PETITION FOR**
) **ACCELERATED EXAMINATION**
) **UNDER M.P.E.P. §708.02(VIII)**
)

This is a decision on the petition, filed June 20, 2003 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, to make the above-identified application special.

The petition is **DISMISSED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(A) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);

(B) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status.

(C) Submits a statement(s) that a pre - examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;

(D) Submits one copy each of the references deemed **most closely related** to the subject matter encompassed by the claims if said references are not already of record; and

(E) Submits a **detailed discussion** of the references, which discussion **points out**, with the **particularity** required by 37 CFR 1.111(b) and (c), **how** the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, **applicant will be notified and the defects in the request will be stated.** The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

Applicant's submission is deficient in that it does not comply with items (D), and (E) above:

(1) Applicant's statement "the references considered to be relevant to the subject matter of the claimed invention" does not comply with item (D), which requires "the references deemed **most closely related** to the subject matter encompassed by the claims"; and

(2) Applicant's submission fails to comply with item (E) in that it does not provide a detailed discussion of the references, which particularly points out how the claimed subject matter is patentable over the references as required by 37 CFR 1.111(b) and (c). Although Applicant refers to both ISR and IPER of PCT, the contents of these two documents, by themselves, do not meet the requirement of item (E), and therefore, do not relieve the Applicant from providing a detailed discussion of the references, which particularly points out how the claimed subject matter is patentable over the references.

Accordingly, the Petition is **DISMISSED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within two months of the mailing date of this decision.



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